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Rewald's Attorney Protests Proposed Gag Order by the U.S. Government

By Charles Memminger
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Ronald Rewald's attorneys have objected to the government's proposed gag order which would prohibit attorneys, court personnel and witnesses from discussing the case once his fraud trial begins.

Federal Public Defender Michael Levine said in court documents filed yesterday that the gag order would deprive Rewald of his First Amendment right to free speech and said the gag order is "clearly overbroad."

The news media also objects to the proposed order which would limit reporters in their attempts to cover the trial, which begins Monday with jury selection. Under the order, reporters would not be able to talk to attorneys or court personnel during breaks in the trial.

Levine said the gag order would prevent Rewald "from publicly proclaiming that he is innocent of the charges against him." Such a situation is "more reminiscent of the Soviet Union or South Africa than the United States of America," Levine said.

The proposed gag order ironically puts Levine in the position of arguing some of the same points the government had used to fight Levine's earlier motion for a change of venue.

THE GOVERNMENT fought Levine's attempt to move the trial to another jurisdiction, saying that pretrial publicity did not mean that Rewald would not be able to have a fair trial.

The fact that the government now is arguing for a gag order on the basis that publicity would endanger a fair trial shows that "the prosecution seems to speak with a forked tongue," Levine said.

The government showed then that 89 percent of the pretrial newspaper and magazine publicity contained no quotes attributable to Rewald or his attorney, Levine said.

Levine contends that most of the publicity has come from statements of federal prosecutors, state prosecutors, judges, CIA officials and bankruptcy officials.

"THERE IS NO logic or fairness in gagging Rewald and his defense counsel because of the statements of government offi-

cials," Levine said.

In the government's motion, prosecutors said they wanted to avoid a "circus" atmosphere similar to that surrounding John De Lorean's drug trial in California. De Lorean's attorneys held news conferences after each trial session.

Levine said that the proposed order would keep Rewald or his attorney from answering reporters' questions about any aspect of the case.

"If a reporter asks Rewald an entirely factual question such as, 'Did you testify today?' Rewald will be unable to even answer 'yes' or 'no,'" Levine said.

A hearing on the proposed order will be heard Thursday before U.S. Judge Harold Fong, Levine said.